

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

John G. Berg		
Petitioner	:	No. 2:19-cv-01275-MSG
VS.	:	
	:	
Delaware County Probation Department	:	
Respondent	:	

PETITIONER’S MOTION FOR AN EVIDENTIARY HEARING

1. On February 10, 2020, Petitioner filed objections to the Magistrate’s Report and Recommendation that this matter be dismissed because Petitioner had not yet then exhausted his federal remedies.
2. In his objections, Petitioner requested that this matter be stayed *so that* he could complete the exhaustion of his state court proceedings.
3. No action on the instant petition has occurred since then.
4. On December 30, 2020, the Pennsylvania Supreme Court denied Petitioner’s request for an allowance of appeal.
5. Petitioner will not be seeking a *writ of certiorari*.
6. Since Petitioner’s state court proceedings have concluded, Petitioner respectfully requests that action on his habeas petition pending in this Court commence in the form of an evidentiary hearing so that material issues of fact arising from the pleadings be resolved.

RESPECTFULLY SUBMITTED:

_____/s/ Todd M. Mosser_____
MOSSER LEGAL, PLLC
Todd M. Mosser
ID NO. 87534
448 North 10th St., Suite 502
Philadelphia, PA 19123
215-567-1220
todd@mosserlegal.com
Counsel for Petitioner Berg

3/10/21

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon all parties via the e-filing system.

_____/s/ TMM_____

TODD M. MOSSER, Esquire

PA ID No. 87534

448 North 10th St., Suite 502

Philadelphia, PA 19123

215-567-1220

todd@mosserlegal.com

For Petitioner Berg

3/10/21